

## REMARKS

### I. Status of Claims

Claims 1 - 24 are pending. Claims 25 - 67 are cancelled herein as being directed to non-elected inventions. Applicant reserves the right to file divisional applications to the remaining non-elected inventions.

Favorable reconsideration is respectfully requested in light of the following remarks. Applicant requests withdrawal of the outstanding objections and rejections, and allowance of the claims.

### II. Rejection of claim 21 under 35 USC §112, 2<sup>nd</sup> Paragraph

In the Office Action mailed March 9, 2006, the Examiner rejected the claim 21. The claim 21 has been amended to recite a glass "mat".

By the above amendment, the minor informality in the claim has been corrected. The Applicant submits that the proposed claim amendment overcomes the Examiner's rejection, and the Examiner is respectfully requested to withdraw this rejection.

### III. Rejection of claims 1 and 5 - 7 under 35 U.S.C. §102(b)

In the Office Action the Examiner rejected claims 1 and 5 - 7 under 35 U.S.C. §102(b) as being anticipated by the U.S. Patent No. 3,642,516 to Gasaway et al.

Applicant contends that all the claims are patentable over the Gasaway reference and requests withdrawal of the rejection under 35 U.S.C. §102(b). Claim 1 now describes a recyclable carpet having a fiber-reinforced primary backing where the fiber-reinforced backing comprises a glass fabric layer consolidated together with an extruded film having a plurality of *dispersed glass fibers* incorporated in the extruded film.

The present invention has glass fiber materials in both the fabric layer and in the extruded film. The Gasaway reference fails to teach or suggest this feature.

In the present invention, as illustrated in Figure 1, a glass fiber fabric 26 is *consolidated together* with an extruded film 28 [see, at least paragraphs 42, 44, 49, 53, 60, 62, 66, 73 and 76] such that the extruded film 28 is permanently held, or adhered, to the glass fiber fabric layer 26.

Also, in the present invention, the extruded film 28 provides dispersed glass fibers 29 that help to hold the tufted pile elements 22 during the tufting process and to permanently hold (adhere to) the tuft pile elements 22 after consolidation. [See, at least, paragraphs 36, 51, 68 and 78].

The Gasaway reference describes a carpet backing having yarns with two coatings: a first vinyl plastisol coating which is applied to each individual yarn; and a secondary, acrylic coating which is applied to sets of the coated yarns. There is no teaching or suggestion of incorporating glass fibers into the acrylic second coating.

The Gasaway reference requires that the fiberglass yarns have a coating on each individual yarn. See column 2, lines 10 - 17, which states that the Gasaway carpet backing has two sets of angled yarns where:

“Each of the individual fiberglass yarns is coated with a vinyl plastisol. ...The sets of coated yarns have a substantially uniform second coating distributed over the sets. The second coating must adhere to the vinyl coating but not be compatible with the vinyl coating.” [emphasis added].

The Gasaway fails to teach or suggest incorporating a dispersion of glass fibers in its secondary coating. Therefore, at least for this reason the independent claim 1 is not anticipated by the Gasaway reference. Accordingly, Applicant requests withdrawal of the rejection under 35 U.S.C. §102 (b).

Claims 5 - 7 depend from amended claim 1 and are directed to embodiments where the glass fiber fabric has first and second layers formed of a plurality glass fibers where the fibers in each layer run in different directions. There are no teachings or suggestions in the Gasaway reference of the distinctive features as claimed in claim 1 or in the additional features set forth in claims 5 - 7.

Therefore, at least for this reason the claims 5 - 7 are also not anticipated by the Gasaway reference. Accordingly, Applicant requests withdrawal of the rejection under 35 U.S.C. §102(b).

#### IV. Rejection of Claims 2, 3, 12, 13, 19 and 20 under 35 U.S.C. §103(a)

In the outstanding office action, the Examiner rejected claims 2, 3, 12, 13, 19 and 20 under 35 U.S.C. §103 as being unpatentable over the Gasaway reference.

Applicant contends that all the claims are patentable over the Gasaway reference, and requests withdrawal of the rejection under 35 U.S.C. §103.

It is respectfully submitted that the Office Action does not meet the criteria for establishing a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the applied reference must teach or suggest all the claim limitations. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. Further, the fact that the claimed invention is within the capabilities of one of ordinary skill in the art is not sufficient by itself to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. See MPEP §2143.

With respect to the first criterion, there is no motivation to modify the Gasaway reference by replacing the acrylic second coating with a fiber-reinforced extruded film *having a plurality of glass fibers incorporated therein*.

Those skilled in the art would not think to substitute an acrylic coating material with a nylon material having glass fibers incorporated therein. Also, the Gasaway reference shows, in Figs. 2 and 3, coated yarns and a secondary acrylic coating over the coated yarns. There is no teaching of dispersed glass fibers within the secondary acrylic coating.

Therefore, at least for this reason the Gasaway reference fails to teach or suggest the invention defined in the claims. Accordingly, Applicant requests withdrawal of the rejection under 35 U.S.C. §103.

V. Rejection of Claims 4, 8 -11, 14, 18, and 21 - 24 under 35 U.S.C. §103(a)

In the outstanding office action, the Examiner rejected claims 4, 8 - 11, 14, 18, and 21 - 24 under 35 U.S.C. §103 as being unpatentable over the Gasaway reference in view of the Irwin, Sr. U.S. Patent No. 6,479,125 and/or the Higgins et al. U.S. Pub. No.

2003/175475. Applicant contends that all the claims are patentable over the Gasaway, Irwin and Higgins references, and requests withdrawal of the rejection under 35 U.S.C. §103.

The Gasaway reference describes a carpet backing having yarns with two coatings: a first vinyl plastisol coating which is applied to each individual yarn; and a secondary, acrylic coating which is applied to sets of the coated yarns. With respect to at least the first criterion set forth above, there is no motivation to modify the double coated yarn backing of the Gasaway reference with the multilayer backings in either the Irwin or Higgins references to meet the claimed invention.

Claims 4 and 8 -10 depend from amended claim 1 and are directed to embodiments which have additional glass fabric layers; in claims 8 - 10, the layers are oriented in different directions. In particular, the claims 4 and 8 - 10 describe the embodiment shown in Figure 4 where the extruded film 28 with dispersed fibers 29 is interposed between a pair of glass fiber fabric layers 40, 42.

Claim 11 is an independent claim directed to an embodiment having a glass veil, instead of the "glass fabric layer" of claim 1. Claim 11 has also been amended to recite a glass veil which is consolidated with an extruded film having a plurality of *dispersed glass fibers incorporated in the extruded film*. Claims 14 - 17 depend from amended claim 11 and are directed to embodiments which have additional glass fabric layers; in claims 15 -17, the layers are oriented in different directions. In particular, the claims 11 and 14 -17 describe the embodiments, for example, as shown in Figure 6, where the extruded film 28 with dispersed fibers 29 is consolidated with a glass veil 128; and, in Figure 8, where the extruded film 28 is interposed between the glass veil 128 and a fiber fabric layer 40.

Claim 18 is an independent claim directed to an embodiment having a glass mat, instead of the "glass fabric layer" of claim 1. Claim 18 has also been amended to recite a glass mat which is consolidated with an extruded film having a plurality of *dispersed glass fibers incorporated in the extruded film*. Claims 21 - 24 depend from amended claim 18 and are directed to embodiments which have additional glass fabric layers; in

claims 22 - 24, the layers are oriented in different directions. In particular, the claims 18 and 21 - 24 describe the embodiments, for example, as shown in Figure 10, where the extruded film 28 with dispersed fibers 29 is consolidated with a glass mat 158; and, in Figure 12, the extruded film 28, is interposed between the glass mat 158 and a fiber fabric layer 40.

The Irwin reference describes a carpet backing material that has multiple layers; however, there is no teaching or suggestion of an extruded film that has glass fibers dispersed in a film as one of the layers. The Examiner's citation of column 8, line 46 et seq. refers to an embodiment where the third, intermediate backing layer is interposed between first and second lacking layers and comprises a woven fiber glass material or a non-woven spun-bonded material. There is no teaching or suggestion in Irwin of a film having interdispersed glass fibers in a film.

The Higgins reference also describes a carpet backing material having multiple layers. There is no teaching or suggestion in Higgins of an extruded film that has glass fibers dispersed therein as one of the layers. The figures in Higgins, including the Figs. 4H - 4K, describe layers of woven and/or non-woven materials, but no film layer comprised of an extruded material having glass fibers interspersed in the extruded film.

Therefore, at least for this reason the Gasaway, Irwin and Higgins references fail to teach or suggest the invention defined in the claims. Accordingly, Applicant requests withdrawal of the rejection under 35 U.S.C. §103.

The Examiner stated that the prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. Applicant has reviewed these references and found them to be no more pertinent than the prior art relied upon by the Examiner.

#### VI. Conclusion

In view of the above amendments to the claims and the remarks herein, it is submitted that the claims are in proper form for allowance; and, the invention, as defined in claims, is neither disclosed nor suggested by the references of record. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objections and rejections of record, and allowance of all claims.